

Changes in the DEQ Aquatic Nuisance Control Program Permitting Process Resulting from Changes to Part 33



October 9, 2014



Aquatic Nuisance Control Program
Water Resources Division
Michigan Department of Environmental Quality

deq-wrd-anc@michigan.gov

517-284-5593

www.michigan.gov/anc



Webinar process

- James Ostrowski of the DEQ Office of Environmental Assistance is moderating this webinar.
- You may submit written questions at any time. They will be addressed during several pauses in this presentation.
- A recording of this webinar will be posted on the DEQ web site.

Communicating with the Aquatic Nuisance Control Program

- All program staff members are located in Lansing and review permit applications for the entire state
- Each staff member is present at this webinar and can answer your questions about changes in Part 33
- Each staff member covers one day of the week for telephone and group email communications:

Group email: deq-wrd-anc@michigan.gov

Program telephone: 517-284-5593

Program web page: www.michigan.gov/anc



Introduction and Overview

- Part 33 Aquatic Nuisance Control was amended by Public Act 253 which took immediate effect on June 30, 2014
- These legislative changes require modifications of the permitting process and procedures for Aquatic Nuisance Control permits
- Changes will be reviewed in order of the amended sections in Part 33



Sec. 3306

Permit application fee amounts

- Application fee amounts may vary annually
- Beginning in FY15, fee amounts shall be proportionately adjusted by fee category to achieve a target in total revenue of \$900,000
- Fee amounts will be posted on the ANC web page by November 1 each year
- \$900,000 target will be adjusted annually for the consumer price index

Sec. 3306

Electronic fee submittal

- Permit application fee may be paid by credit card at
 - www.thepayplace.com/mi/deq
 - Select Aquatic Nuisance Control
 - Enter applicant, waterbody, county, township
 - Choose method of payment
- Submit receipt with permit application

Sec. 3306

Electronic fee submittal

www.thepayplace/mi/deq

Environmental Quality

Application Selection

[AQUATIC NUISANCE CONTROL](#)

[D E Q Freedom of Info Act IVR](#)

[DEQ AIR EMISSION FEES](#)

[DEQ ANNUAL MINERAL WELL](#)

[DEQ Biosolids Fee](#)

[DEQ DW Train and Certify](#)

[DEQ Freedom of Info Act](#)

[DEQ GROUNDWATER](#)

[DEQ HAZ Waste Hauler Lic](#)

[DEQ Joint Permit Ap](#)

* Indicates required field

Your Information

* Applicant Name:

* Waterbody Name:

* Counties:

* Township Names:

Choose method of payment

☒ Pay by credit card



[Back](#) [Next](#) [Exit](#)

Questions about Sec. 3306



- Application fee amounts
- Electronic fee submittal



Sec. 3307

Electronic submission of applications

- Permit applications may be submitted electronically by sending a PDF of the application to ANC group email account:
deq-wrd-anc@michigan.gov
- If paying by check, send copy of page one and check to cashier address on application form
- If paying by credit card, include copy of the payplace receipt in PDF

Sec. 3307

Deadlines for issuance

- For COC's, April 15 or 15 working days after receipt of a complete application, whichever is later
- For permits, April 15 or 30 working days after receipt of a complete application, whichever is later
- Any date requested by the permit applicant and agreed to by the department

Sec. 3307

Deadline for applications

- There is no longer a permit application deadline (formerly August 15 for higher plants in the administrative rules)



Sec. 3307

Consequences of missed deadlines

- DEQ pays applicant 15 percent of application fee required for that year
- Application approved automatically if:
 - Same area of impact as previous permit
 - Same chemical protocol as previous permit
 - Application rate and number of treatments do not exceed previous permit
 - Minimum time between treatments not less than approved on previous permit

Sec. 3307

Consequences of missed deadlines

- Applications for new waterbodies or treatment sites are not eligible for automatic approval if issuance deadline is missed because there is no previous permit
- Most recent permit issued will be automatically approved



Questions about Sec. 3307



- Electronic submission of applications
- Deadlines for permit and COC issuance
- Deadline for applications
- Consequences for missed deadlines

Sec. 3309

Term of permits and COC's

- Permit or COC will be effective for no less than three years unless requested by the applicant
- Expiration date will be December 31 of the expiration year



Sec. 3309

Term of General Permits and COC's

- New General Permits will be issued each year for four year time frames
- Certificates of Coverage will be issued under the GP in effect the year of COC issuance
- Previous model of multi-year permits is no longer used. Multi-year permits that are currently in effect will continue until expiration (13-93-xxxx or 14-93-xxxx).

Sec. 3309

Tip regarding COC's

- If a NEW waterbody or treatment site is a likely candidate for a COC under the General Permit for ponds or canals and marinas, you may want to apply for a one year permit.
- If you apply for and are issued a multi-year permit for a waterbody that becomes COC-eligible, you risk paying higher fees than necessary.

Sec. 3309

Annual fees

- Permit application fee – fee paid with the permit application in the initial year of a multi-year permit or COC (Sec. 3306)
- Annual fee – fee paid in years subsequent to the initial year of a multi-year permit



Sec. 3309

Annual fees

- Annual fee is equal to the application fee for the initial year of a multi-year permit (plus any increase due to revision or expansion)
- Annual fees are due April 1 each year of the life of the permit or the permit or COC will be suspended
- All fees may be paid in the initial year of a multi-year permit application

Sec. 3309

Multi-year fees and compliance

- The Water Resources Division is working on a process to notify permittees who need to pay annual fees
- Treatment prior to payment of an annual fee is a violation of Part 33.



Review application form

SECTION I. GENERAL INFORMATION

APPLICANT INFORMATION		BILLING INFORMATION			
APPLICANT NAME <input type="text"/>		APPLICATION FEE CONTACT NAME <input type="text"/>			
MAILING ADDRESS <input type="text"/>		MAILING ADDRESS <input type="text"/>			
CITY, STATE, ZIP CODE <input type="text"/>		CITY, STATE, ZIP CODE <input type="text"/>			
TELEPHONE (DAYTIME / CELL) <input type="text"/>	E-MAIL <input type="text"/>	TELEPHONE (DAYTIME / CELL) <input type="text"/>	E-MAIL <input type="text"/>		
WATERBODY INFORMATION					
WATERBODY NAME (include treatment site name, if applicable) <input type="text"/>		SURFACE AREA OF <u>ENTIRE</u> WATERBODY (only for inland lakes) <input type="text"/> (ACRES)			
LAKE ADDRESS (IF DIFFERENT FROM MAILING ADDRESS) <input type="text"/>		COUNTY(IES) <input type="text"/>			
OTHER INFORMATION FOR PRECISE LOCATION (E.G., LAT / LONG, CROSSROADS) <input type="text"/>		TOWNSHIP NAME(S) <input type="text"/>	TOWN(S) <input type="text"/>	RANGE(S) <input type="text"/>	SECTION(S) <input type="text"/>

Please provide billing information for the party whom you wish DEQ to contact regarding the permit application fee and subsequent annual fees.

Review application form

SECTION II. REQUIRED APPLICATION FEES

Please refer to www.michigan.gov/anc or call 517-284-5593 for the current application fees.

APPLICATION FEES ARE NON-REFUNDABLE.

Individual/Standard Permit –Select one treatment area size category (acres):

☐ Less than ½ ☐ ½ to less than 5 ☐ 5 to less than 20 ☐ 20 to less than 100 ☐ 100 or more

OR

Certificate of Coverage under General Permit –Select one Aquatic Nuisance Control Activity:

☐ Ponds^{1, 2} ☐ Canals & Marinas Located on the Great Lakes & Connecting Waters^{1, 2} ☐ Certain Non-native Invasive Emergent Plants¹

¹ Refer to the General Permits at <http://www.michigan.gov/anc>.

² Refer to the eligibility lists at <http://www.michigan.gov/anc>.

Number of Treatment Seasons Requested

- ☐ 1 Season
☐ 2 Seasons
☐ 3 Seasons

Year of Initial Treatment

Fee Amount Paid

\$ _____

Please note that the total fee for which the applicant will be responsible equals the application fee for the initial treatment season multiplied by the number of seasons requested.

Review application form

SECTION III. PERMIT HISTORY

If the proposed treatment area was previously permitted, provide the permit number of the most recent permit:



Check all of the following that apply:

- ☐ The proposed area of impact is the same or entirely contained within the area of impact approved in the previous permit.
- ☐ The active ingredient or trade name of each chemical proposed to be applied is the same as approved in the previous permit and each chemical is currently approved for use by the department.
- ☐ The application rate and number of treatments do not exceed those approved in the previous permit.
- ☐ The minimum length of time between treatments is not less than approved in the previous permit.

Section III is not a request for renewal.

Information about permit history is required to assess eligibility for automatic approval if DEQ misses issuance deadline.

Review application form

SECTION IX. SUBMITTAL INSTRUCTIONS

Select one of the submittal methods below:

Mail submittal with payment by check

Mail your completed application with a separate check for each application made payable to **State of Michigan** to:

Michigan Department of Environmental Quality
Cashier's Office – WRD – AQ
PO Box 30657
Lansing, Michigan 48909-8157

Mail submittal with online payment

Pay online at www.thepayplace.com/mi/deq (select Aquatic Nuisance Control). Mail a copy of the payment confirmation page with your completed application to:

Michigan Department of Environmental Quality
Water Resources Division, ANC
PO Box 30458
Lansing, Michigan 48909-7958

Electronic submittal with payment by check

E-mail your completed application to deq-wrd-anc@michigan.gov and indicate in the e-mail that you intend to mail a check. Mail a separate check for each application along with a copy of the first page of the application to:

Michigan Department of Environmental Quality
Cashier's Office – WRD – AQ
PO Box 30657
Lansing, Michigan 48909-8157

Electronic submittal with online payment

Pay online at www.thepayplace.com/mi/deq (select Aquatic Nuisance Control). E-mail a copy of the payment confirmation page with your completed application to deq-wrd-anc@michigan.gov.



Questions about Sec. 3309 and New Application Form

- Term of permits and COC's
- Annual fees
- Multi-year fees and compliance
- Application form



Sec. 3311

Revision

- A revision = an amendment
- A permit may be revised for reasons and activities that do not involve a “change in scope”
 - Adding treatment areas consistent with Standard Permit concept
 - Adding chemicals to existing or new treatment area
 - Correction of a DEQ error
 - Time extension for early season treatment of invasive species with contact herbicides

Sec. 3311

Revision – multi-year function

- A revision will be carried forward for the lifetime of the multi-year permit.
- If the revision places the project in a higher fee category, the difference between the original fee paid and the new fee category must be paid in the year of issuance of the revision and the remaining years of the permit.

Sec. 3311

Revision request form

6. Calculation and payment of additional fee, if required.

If the revision includes additional areas of treatment, and the original permit application fee would have been higher if the additional area had been included in the original application, a fee equal to the difference between the original application fee and the fee that would have been due must be submitted within 15 days of permit revision.

New* total treatment area fee: \$ _____

(subtract) Original treatment area fee: \$ _____

Amount of additional fee due: \$ _____

* For new fee determination, go to www.michigan.gov/anc and refer to the annual permit fees.

Sec. 3311

Expansion

- An expansion is an increase in the treatment area to include adjacent area(s) of the same waterbody that became infested after the permit application was submitted
 - *Adjacent = adjoining or contiguous to approved treatment area(s)*
 - *Infestation = non-native invasive species that have grown into dense, monotypic stands causing ecological or economic harm*
- An expansion is conducted without revision of the permit or certificate of coverage

Sec. 3311

Expansion – multi year function

- An expansion will be carried forward for the lifetime of the permit.
- If the expansion places the project in a higher fee category, the difference between the original fee paid and the new fee category must be paid in the year of expansion treatment and the remaining years of the lifetime of the permit.

Sec. 3311

Expansion – limits to expansion

- If area of impact on original permit is greater than 100 acres, do not expand by more than 50 percent of treatment area unless:
 - Permittee notifies DEQ of proposed expansion at least 2 days prior to expansion treatment
 - DEQ has not within 2 business days notified permittee of specific concerns and requirement for revision

Sec. 3311

Expansion form

Pre-treatment notification

SECTION II. Pre-treatment notification

For the expansion of approved treatment area(s) due to infestation into adjacent area(s).



WATERBODY NAME (include treatment site name, if applicable)	COUNTY	PERMIT NUMBER
1. Planned treatment date:		
2. Are you expanding by more than 50 percent of an approved area of 100 acres or more? <input type="checkbox"/> No <input type="checkbox"/> Yes		
3. Provide an explanation of the necessity for the expansion of the area of impact.		
4. Attach a map(s) that clearly delineates the proposed expansion of the area(s) of impact.		
5. Certification		

Sec. 3311

Expansion and Drinking Water Intakes

- Most products approved on ANC permits have setbacks for drinking water intakes
- Permits will list the townships along the Great Lakes shoreline and names of inland lakes for which the permittee must contact the DEQ prior to expansion of treatment area(s)
- The goal is to prevent treatment within drinking water intake setback areas

Sec. 3311

Expansion form – Report

- Within 15 days of initial expansion treatment:
 - Submit expansion report form
 - Submit additional fee if expansion area places the project in a higher fee category

Sec. 3311

Expansion form

Treatment expansion report

SECTION III. Treatment expansion report

Submit this form within 15 business days after the initial treatment of the expanded areas.

WATERBODY NAME (include treatment site name, if applicable)		COUNTY	PERMIT NUMBER
1. Treatment date(s):			
2. Changes to the permit. <i>Include the chemical name(s), active ingredient(s), application rate(s), and amount(s) used in the expanded treatment area(s).</i>			
Chemical brand name	Active ingredient	Application rate	Chemical amount
Surface acres of expansion(s):			
3. Provide an explanation of the necessity for the expansion(s).			

Sec. 3311

Expansion form

Treatment expansion report

5. Calculation and payment of additional fee, if required.

If the permit application fee would have been higher if the expanded area of impact had been included in the original permit application, a fee equal to the difference between the original application fee paid and the fee that would have been due must be included with this form.

New* total treatment area fee: \$ _____

(subtract) Original treatment area fee: \$ _____

Amount of additional fee due: \$ _____

* For new fee determination, go to www.michigan.gov/anc and refer to the annual permit fees.

Sec. 3311

Transfer of permit

- The DEQ may transfer a permit from one permittee to another with written authorization from the bottomland owner(s) or the organization in authority.

PERMIT NUMBER		WATERBODY NAME (include treatment site name, if applicable)		COUNTY	
TRANSFER APPLICANT (NEW PERMITTEE) NAME			ANNUAL FEE CONTACT NAME		
MAILING ADDRESS			MAILING ADDRESS		
CITY, STATE, ZIP CODE			CITY, STATE, ZIP CODE		
TELEPHONE (DAYTIME/CELL)		E-MAIL		TELEPHONE (DAYTIME/CELL)	
E-MAIL		E-MAIL			
Attach written authorization by the proper authority or owner to allow the transfer.					

Questions about Sec. 3311

- Revision
- Expansion
- Transfer



Effects of revisions on other sections of Part 33 that were not revised



Sec. 3310

Written notification

- Written notification of waterfront property owners within 100 feet of treatment area is required not less than 7 days and not more than 45 days before the **initial treatment**
 - Before initial treatment each year
 - Before initial treatment of new treatment areas added through revision or expansion

Aquatic Nuisance Control Program

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